

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:08-CR-877
	§	
DAVID VILLARREAL, <i>et al</i> ,	§	
	§	
Defendants.	§	

MEMORANDUM OPINION & ORDER

Before the Court is a letter motion from Defendant David Villarreal seeking to have his sentence for revocation of supervised release in Cause No. 2:08-CR-877 run concurrently with his sentence for marijuana trafficking in Cause No. 2:12-CR-50-1. D.E. 83.

I. BACKGROUND

Defendant has a long criminal history in the Southern District of Texas, beginning with the above-captioned case. On April 23, 2009, Defendant was sentenced to 33 months' imprisonment, to be followed by 3 years' supervised release, after pleading guilty to conspiracy to possess with intent to distribute 46.4 kilograms of marijuana in Cause No. 2:08-CR-877. The following year, he was sentenced to 51 months' imprisonment, also to be followed by 3 years' supervised release, after pleading guilty to illegal reentry in Cause No. 5:10-CR-838.

On May 21, 2012, Defendant was sentenced to a mandatory minimum sentence of 120 months' imprisonment, to be followed by 5 years' supervised release, after pleading guilty to conspiracy to possess with intent to distribute 8.4 kilograms of cocaine in Cause

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No. 2:11-CR-698-S-1. The following week, on May 29, 2012, he was sentenced to another mandatory minimum sentence of 120 months' imprisonment, also to be followed by 5 years' supervised release, after pleading guilty to possession with intent to distribute 1,603.51 kilograms of marijuana in Cause No. 2:12-CR-50-1. That same day, he was sentenced to 15 months' imprisonment after admitting to violating his supervised release in Cause No. 2:08-CR-877 by trafficking marijuana.

Finally, Defendant pled guilty to conspiracy to commit money laundering in Cause No. 5:11-CR-1245-5 and was sentenced on September 25, 2012, to 97 months' imprisonment, to run concurrently with his sentence in 5:10-CR-838 and to be followed by 3 years' supervised release.

II. ANALYSIS

In his letter motion, Defendant complains that the 15-month sentence he received for revocation of supervised release in Cause No. 2:08-CR-877 "was stacked, onto my second case of One Hundred Twenty (120) months," whereas he "felt it should have been ran concurrent" D.E. 83, p. 2.


The Judgment for Revocation in Cause No. 2:08-CR-877 explicitly stated that "[t]he term is to be served consecutively to the sentence imposed in 2:12CR00050-001." D.E. 81, p.2. The Court has only limited statutory authority to modify a sentence after it has become final, and it may do so only as permitted by statute or after a defendant prevails on appeal or by post-conviction motion. *See* 18 U.S.C. § 3582(c); 28 U.S.C. § 2255. Defendant's motion does not fit within one of the permissible categories.

CONCLUSION

For the reasons set forth above, Defendant's letter motion to run his sentences concurrently (D.E. 83) is **DENIED**.

It is so **ORDERED**.

ORDERED this 31st day of August, 2015.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE